

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GELINDA J. HALLE,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a Delaware
Corporation; ZACHARY THOMPSON, and
AIDEN NELSON,

Defendants.

8:23CV213

**FINAL PROGRESSION ORDER
(AMENDED)**

Defendants each filed a motion to amend the final progression order, Filing Nos. [66](#) and [67](#), and jointly proposed amended deadlines. [Filing No. 73-1](#). Plaintiff opposed Defendants' motions. The Court held a status conference with counsel for the parties to discuss case progression on August 20, 2024. The Court now grants Filing Nos. [66](#) and [67](#) for good cause shown.

Accordingly,

IT IS ORDERED that the final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **November 19, 2024 at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is September 30, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by October 15, 2024.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant(s): September 30, 2024.

Plaintiff(s)' rebuttal: October 30, 2024.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is November 15, 2024.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is December 16, 2024.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is December 2, 2024.
- 7) All other deadlines and provisions of the Court's final progression order not amended herein remain unchanged.

Dated this 21st day of August, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.